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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1282nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 19 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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Combined eighth and ninth periodic reports of Ecuador (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Ecuador (continued)
(CEDAW/C/ECU/8-9; CEDAW/C/ECU/Q/8-9 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Ecuador took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Schulz** asked, with reference to article 9 of the Convention, how the State party dealt with the problem of the 10 per cent of children who were not registered at birth, since they might later suffer difficulties in gaining access to schools, or health services or obtaining a passport. She asked how the State party guaranteed registration even in remote areas and how it proposed to deal with those currently without birth certificates.

3. **Ms. Vaca Jones** (Ecuador) said that the figure of 10 per cent was not entirely accurate: a child might have been registered and have a birth certificate but not have identity documents. The Government was working to ensure that all births could be registered automatically, so that identity documents, with the same number as the birth certificate, could be issued immediately, thus giving children access to health services at birth, at 5 years of age and in adolescence.

4. **Ms. Schulz** said that she had relied on a figure issued by the World Bank in 2010, so the fact that the figure had improved was welcome. She asked, however, whether those currently without birth certificates would be provided with identity documents.

5. **Ms. Godoy** (Ecuador) said that birth registration was automatic if a child was born in hospital, but not in the case of home births. There was, however, provision for late registration.

Articles 10 to 14

6. **Ms. Bailey**, after commending the State party on progress made in various aspects of education under the education plan for the period 2006–2015, said that the report failed to provide the information requested by the Committee on the continuing high levels of violence in the educational system, especially sexual violence. Following the Committee's previous concluding observations, the Committee against Torture and the Committee on Economic, Social and Cultural Rights had also expressed concern at consistent reports of sexual abuse against minors in educational establishments. The Intercultural Education Act provided for the right to an education free of violence and prohibited teachers from violating children's rights. Yet the State party gave no specific details of prosecutions, convictions or disciplinary measures taken or of mechanisms to facilitate handling of complaints by girls of sexual abuse. The report did not address any of the issues with the proper urgency. The protocols, the awareness campaigns and the training of teachers were excellent initiatives, but the Committee was anxious to have real information on how perpetrators were dealt with and whether action taken had reduced sexual violence. She noted that, in 2010, the Committee on Economic, Social and Cultural Rights had been informed that an agreement was to be signed by the Ministry of Education and the Office of the Attorney General under which all suspected cases of sexual violence in schools would automatically be subject to a criminal investigation and she asked whether that agreement had been signed and was operational. In her view, sexual violence was also linked to the

high level of adolescent pregnancy, especially among indigenous and Afro-Ecuadorian girls, leading them to drop out of school.

7. **Ms. Arocha Dominguez** said that Ecuador had made progress in reducing poverty, but, as other United Nations human rights treaty bodies had pointed out, the predominance of the informal sector and corresponding low incomes, and the problems faced by migrants and refugees in finding work, meant that much remained to be done. Ecuador should embrace its multiculturalism by highlighting the roles played by various groups. It should therefore distinguish between the urban and the rural population and stress the contribution of indigenous and Afro-Ecuadorian women. She commended the improvements in standards relating to domestic work but said she was concerned that, whereas, according to the periodic report, the number of women in domestic service had nearly halved, the delegation had stated at the previous meeting that the current number was 200,000, or a two-thirds increase. The issue was particularly important because it affected indigenous and Afro-Ecuadorian women and women with low educational levels. She also noted that social security data varied between the core document (HRI/CORE/ECU/2009/Add.1), the country's initial report and the latest periodic report and she requested an explanation. Lastly, she said that the periodic report made no reference to sexual harassment in the workplace and she asked whether the matter was covered by any regulations and whether there existed facilities for lodging complaints.

8. **Ms. Schulz** said, with reference to article 11 of the Convention, that the Ecuadorian Criminal Code recognized therapeutic abortion as legal to prevent danger to the life or health of women. It had not, however, been available, probably owing to a lack of understanding of the concept or the fear among medical personnel of being accused of carrying out illegal abortions. The new clinical guidelines were therefore very important and she asked what would be done to guarantee the full and uniform implementation of the guidelines throughout the country, what timetable there was for training health professionals and what measures would be taken to make women and girls aware of their right to a therapeutic abortion, if they fulfilled the required conditions. She also asked whether a study would be made of the mortality and morbidity rates of legal and illegal abortions, respectively. Secondly, she noted that abortion was allowed in cases of rape only for women with mental disabilities. Such a denial of abortion to other victims of rape could, however, could constitute torture: the woman concerned had a choice between having an unsafe abortion, carrying the child to term or committing suicide. The restriction constituted a violation of articles 2, 12 and 16, paragraph 1 (e), of the Convention and she asked when the right to abortion would be extended to all victims of rape. Thirdly, she said that there had been cases in which health personnel had reported girls who had had abortions to the police. In her view, such personnel should be prosecuted for breach of confidentiality. Lastly, she urged the State party to show due respect for the country's cultural diversity by respecting indigenous health-care customs.

9. **Ms. Vaca Jones** (Ecuador) said that the Government was aware of sexual and other forms of violence in schools and had therefore established clear guidelines on how such matters should be dealt with, how complaints were handled and what advice should be given. In such cases, a decision was made jointly with the Public Prosecution Service on whether the matter should be subject to criminal investigation or was purely administrative. As for the expulsion of pregnant girls, that was prohibited. Teenage pregnancy was a problem in Ecuador but not a major cause of girls dropping out of school. The country had programmes in place to tackle teenage pregnancy: contraceptive methods were recommended and contraceptive pills and day-after pills were provided free of charge. Under a programme entitled "Let's talk seriously about sexuality without mystery", 9,000 teachers had been trained in sex education for teenagers and the scheme could be extended also to younger children. The Ministry of Health offered a free telephone line providing advice on sexual and reproductive health. Work had also been done by the Ministry of

Economic and Social Inclusion, which had organized meetings with and among families and held courses on sexual and reproductive health that had been attended by 200,000 young people.

10. **Ms. Peralta** (Ecuador) said that Ecuador had adopted a comprehensive plan to eradicate sexual offences in the education system in 2011. The agreement referred to by Ms. Bailey had been signed in 2012, with the Ministry of Internal Affairs an additional signatory, and a module to train teachers and ensure that complaints were properly lodged and heard had been set up by the Ministry of Justice. There had been 13 convictions for sexual abuse in 2011, cases from 2012 were currently being heard and there had been 33 convictions in cases relating to offences committed in 2013–2014.

11. **Ms. Vaca Jones** (Ecuador) said that, under the previous system, there had been no way of lodging complaints and the only sanctions imposed had been of an administrative nature. The situation was much improved. The same applied to the data kept and she foresaw further improvements over the coming months.

12. Her Government was making efforts to tackle the problem of underemployment in the country, which still remained very high. It was also exploring ways to ensure that all women working in the informal sector, including domestic workers, enjoyed decent pay and fair conditions of employment and were covered by the social security system. The focus was on regularizing the work of independent and domestic workers. Her delegation would provide the Committee with further data on domestic workers in Ecuador at a later date.

13. **Ms. Jaramillo** (Ecuador) said that sexual harassment was punishable under the Criminal Code by a prison sentence of between 3 and 5 years. In addition, harassment in the workplace could be grounds for terminating the employment of the offender.

14. **Ms. Vaca Jones** (Ecuador) said that it was not always possible to collect data disaggregated by ethnicity given that some national data was gathered at a more general level and indigenous peoples and people from different ethnic origins were present throughout the country. It was nevertheless true that some ethnic populations were present in greater numbers in certain areas and it should be possible to take their presence into account. Further progress had been made in eliminating poverty in rural areas, where most indigenous people and people of African descent lived. Turning to the question of abortion, she said that health policies dealt with maternal and prenatal health and new guidelines covered treatment following miscarriages and abortions. Particular emphasis was placed on preventing maternal death and in identifying its causes since the reduction in the maternal mortality rate was the only Millennium Development Goal target that had not been met. Abortions were still a major cause of maternal death in Ecuador.

15. **Ms. Peralta** (Ecuador) said that 93 cases of abortion were currently under investigation in Ecuador but none had been referred to the courts and no persons had been deprived of their freedom as a result of the process.

16. **Ms. Vaca Jones** (Ecuador) said that cultural diversity was respected in all health-care services and the right of indigenous women to give birth in a traditional manner was protected under existing protocols. The educational system was intercultural and particular efforts were made to ensure that the Quichua and other indigenous peoples exercised the right to use their own languages.

17. **Ms. Pimentel**, said that, leaving the provisions on sexual harassment in the Criminal Code aside, she wished to know whether public and private institutions had put in place their own policies and regulations to prevent and raise awareness about such sexual offences. The delegation had given information on the procedures to be followed in the

event of miscarriages but she wished to know whether improvements had been made in the treatment of women who had undergone abortions.

18. **Ms. Schultz** said that she wished to have further information concerning abortion in cases of rape. She asked whether the development of the National Intersectoral Family Planning Strategy would mean that more or fewer resources would be devoted to family planning, sexual and reproductive health and rights and teenage pregnancy prevention. She wished to know whether the Health Code under review would incorporate a broad concept of health, including its physical, mental and social dimensions.

19. **Ms. Bailey** said that she wished to know how data would be collected on the minority populations in the national census, since they had been subsumed under the data on urban and rural settings; as a researcher, she found it difficult to understand how the national statistical office could not gather data at that level of specificity. She wondered how intercultural policies could be drafted in response to small population groups in the absence of concrete information.

20. **Ms. Arocha Dominguez** said that she believed that there was serious political will in Ecuador to resolve issues relating to women's employment rights. Nevertheless, it would be useful to receive data relating to the period 2010–2014 in order to assess the impact of employment policies on rural and indigenous women, women of African descent and Montubio women. She asked how many cases involving sexual harassment had been brought before the courts.

21. **Ms. Vaca Jones** (Ecuador) said that services designed to prevent teenage pregnancies, which included health, education and economic and social inclusion, were delivered by the Ministry of Health and other relevant ministries. The overarching strategy was based on the recognition that teenage pregnancy limited the opportunities and life chances of young mothers. The Office of the President of the Republic monitored the impact of the interministerial strategy on national targets.

22. The new Health Code, which was being drafted by the Ministry of Health, members of parliament and the Ministry of Justice in consultation with civil society, would help to institutionalize the health-care reforms recently ushered in and cover the physical, social and mental aspects of health.

23. Ecuador was a multicultural country and, although the national census provided some information on specific groups, statistics kept in areas such as employment did not always permit the disaggregation of data. Nevertheless, considerable care was taken to provide public policies and services that were sensitive to the needs of specific population groups, including indigenous communities and vulnerable communities.

24. **Ms. Peralta** (Ecuador) said that the National Statistics and Census Institute was working on a mechanism to gather and share gender statistics between national institutions and indicators on gender equality had been included in the 2010 census. In response to the Committee's recommendation, certain cross-cutting social indicators on indigenous women, women of African descent and Montubio women had been included in the National Plan for Good Living and information on ethnicity was included in household surveys.

25. **Ms. Vaca Jones** (Ecuador) said that recent data on the results of complaints of violence or assault in the education system showed that the complaints procedure was working, since many cases had been tried in criminal courts and criminal rather than administrative penalties had been imposed. Data would continue to be gathered in order to monitor complaints and to ensure that students felt free to come forward. Her Government would consider carrying out an impact assessment of its policies to combat sexual violence in schools as it had done on a regular basis in other areas such as school nutrition and maternal health.

26. **Ms. Pomeranzi** said that she welcomed the extensive information on the State party's measures to ensure that women enjoyed their full economic and social rights. Nevertheless, it seemed that ministries did not always obtain statistics from the regions and that further work on gender mainstreaming was required. A system of indicators that could be used at both national and local levels would allow better coordination of activities. The voucher referred to in the report of the State party as the human development bond cash transfer appeared to have been effective in reducing poverty, although its impact needed to be measured throughout the country. It would be useful to carry out a study on the accessibility of the vouchers for the poorest women, since they were subject to eligibility criteria that could be hard to meet. Further information on the obstacles to public funding and the gender aspects of the State party's housing and microcredit programmes was also needed.

27. **Ms. Acosta Vargas** noted that 37 per cent of the population of Ecuador lived in rural areas and that almost half of its citizens lived outside major urban settings; those populations were particularly affected by racism that had persisted since colonial times and by modern-day gender discrimination. She said that she wished to know what was the level of participation of indigenous rural women in development plans and what provision was made in order to listen to their views. It would be useful to have further information about the impact on communities of large-scale economic projects in the mining and oil sectors.

28. She also wished to know what was being done to meet the challenges that had arisen as a result of the introduction of modern schools, known as schools of the millennium, alongside traditional community schools to poor, rural communities. For example, how was the State party upholding the rights of indigenous peoples while ensuring that all rural children received a basic education? Although they could not provide the same level of education as millennium schools, there was still a need for community schools, which were located closer to the communities and were thus more accessible.

29. As adolescent pregnancy rates were higher in rural areas than in urban areas, there was a need for more focused action in that regard. She asked what steps had been taken to ensure that an intercultural approach was taken to prenatal and childbirth services and whether disagreements arose between indigenous communities and the authorities about the health-care policies implemented.

30. Further clarification of the unequal access to microcredit between men and women was needed. She also asked what progress had been made on increasing women's participation in agricultural associations and cooperatives involved in the ongoing agrarian reform process. She would appreciate statistics on rural women's access to land. Lastly, on access to justice in rural areas, she asked whether local languages were used in court and whether attempts had been made to harmonize the national civil and customary legal systems.

31. **Ms. Vaca Jones** (Ecuador) said that, in order to maximize their impact, it had been decided to channel human development bond cash transfers towards the section of the population living in extreme poverty. Investment in the health, education and social sectors had been increased dramatically to bring about significant and lasting improvements to the lives of economically disadvantaged persons. The Corporación Nacional de Finanzas Populares y Solidarias, the national body with responsibility for public finance, facilitated access to credit for rural women.

32. A large number of children of families living in extreme poverty had received university grants. As a result of recently adopted policies, levels of poverty and social inequality had been reduced. A large portion of the population lived in rural areas far from the nearest school of the millennium. The network of such establishments would eventually be extended to cover the whole country but that process would take time; in the interim,

there was a need to improve community schools. Thanks to the adoption of new policies on universal education, all children in rural areas were provided with school uniforms, textbooks and school meals.

33. **Ms. Peralta** (Ecuador) said that in isolated areas where the judicial service did not have a presence, alternatives such as community mediation were employed. Under the Comprehensive Criminal Code, all victims of crime who did not speak Spanish had the right to an interpreter.

34. **Ms. Vaca Jones** (Ecuador) said that a bill on agrarian reform was currently before the parliament for consideration. Under that bill, women heads of household and single mothers would receive plots of land and loans and technical assistance would be provided for rural development projects.

35. **Ms. Acosta Vargas** asked whether the millennium schools were intercultural and how many women sat on the executive board of the national microcredit programme.

36. **Ms. Vaca Jones** (Ecuador) said that the entire national education system was intercultural. The authorities made every effort to meet the needs of indigenous, Afro-Ecuadorian and Montubio communities. A number of millennium schools in the Amazonian and Andean regions of Ecuador were both bilingual and intercultural. Work was ongoing to train more bilingual teachers and to involve representatives of indigenous communities in efforts to preserve the ancestral languages of the State party.

Articles 15 and 16

37. **Ms. Halperin-Kaddari** said that the report submitted by the State party did not contain much information on articles 15 and 16. More should be done to speed up the process of raising the minimum age for marriage to 18 years.

38. She asked whether the rule under which the administration of marital property was given to the husband by default had been abolished. Further details were needed of how property was divided up following a divorce, death of a spouse or separation. She also wished to know how deferred compensation, such as pensions, or a divorced spouse's future earnings were dealt with.

39. It would be useful to have statistics on the number of divorced women remaining in the family home with their children until those children had reached the age of majority and information on any potential backlash from groups campaigning for fathers' rights. Lastly, she asked whether there were any mechanisms in place to assist mothers in collecting child support payments from fathers who refused to meet their obligations in that regard, or to provide financial assistance for the children of such fathers.

40. **Ms. Godoy** (Ecuador) said that the discriminatory legislation covering the administration of marital property was currently being amended. Furthermore, when a civil union was dissolved, property was divided up on the basis of an inventory of existing assets. However, in cases where there was only one home and the children from the marriage were living there, that residence could not be sold until the children concerned had reached the age of majority. In cases where one or more of the children living in the property in question had a permanent disability, the parent who was the main care-provider remained with the child and the residence could not be sold. Where no agreement had been reached between the former spouses on the distribution of marital property, the value of that property was assessed and divided equally. Inherited assets were not included in marital property.

41. **Ms. Jaramillo** (Ecuador) said that, to date, nearly 350 persons had been imprisoned for failure to pay child support. However, the Ministry of Justice had signed an agreement with the Bank of the Ecuadorian Social Security Institute, under which a loan was extended

to cover the costs of the maintenance. The aim was to ensure that children continued to receive the monthly maintenance payments due to them and the fathers concerned were not deprived of their liberty and could continue to work.

42. **Ms. Halperin-Kaddari** asked whether there was any social safety net in place to ensure that payments were made in cases where parents had failed to meet their child support obligations.

43. **Ms. Vaca Jones** (Ecuador) said that, in cases of non-payment of child support involving families officially identified as being in a situation of extreme poverty, the human development bond cash transfer system could be used to ensure that the persons affected received a basic income.

44. Although she herself was currently the only woman member of the executive board of the national microcredit programme, the Minister for Economic and Social Inclusion, who was a woman, had appointed an official to represent her at meetings of that body.

45. Ecuador had provided the Committee with updated and reliable information on the progress made in the realization of women's rights. Much remained to be done in that field and the national authorities would continue to work towards social equality. Every effort would be made to publicize and follow up on the Committee's recommendations. Her Government had also undertaken to set up a body responsible for reporting on any progress made in the areas covered by the Committee's mandate.

46. **The Chairperson** thanked the delegation of Ecuador for the fruitful dialogue with the Committee. The Committee commended the State party for its efforts and encouraged it to take all necessary measures to act on its recommendations in order to fully implement the Convention for the benefit of all women and girls in the country.

The discussion covered in the summary record ended at 4.55 p.m.